

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

IN RE: BRANDT, JASON LEE
 BRANDT, ROSE MARIE

CHAPTER 7
BKY CASE NO. 04-32307

DEBTOR(S).

**NOTICE OF HEARING AND MOTION
FOR DISMISSAL OF BANKRUPTCY PROCEEDING**

TO: ENTITIES ENTITLED TO NOTICE PURSUANT TO LOCAL RULE 9013-3:

1. PLEASE TAKE NOTICE that on **September 1, 2004, at 11:00 a.m.**, before the Honorable Dennis D. O'Brien, in Courtroom No. 228A, United States Bankruptcy Court, at 316 N. Robert Street, St. Paul, Minnesota, Terri A. Georgen, Trustee, will move the Court for the relief requested below and gives notice of hearing herewith.

2. The hearing may be continued by notice at the hearing without further written notice. Any responsive papers shall be delivered and filed not later than August 25, 2004, which is seven days, (**including** intermediate Saturdays, Sundays, and legal holidays), before the hearing date, or mailed and filed not later than August 20, 2004, which is 10 days (**including** intermediate Saturdays, Sundays, and legal holidays), before the hearing date, Local Bankruptcy Rule 9006-1(b). **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

3. This Court has jurisdiction over this motion pursuant to 28 U.S.C. §§ 157 and 1334, Bankruptcy Rules 1017 and 9014, and Local Rule 1070-1. This proceeding is a core proceeding. On 04/16/04, the Debtor filed a Chapter 7 Petition in the United States Bankruptcy Court, St. Paul, Minnesota. The case is now pending in this Court.

4. This motion arises under 11 U.S.C. §§ 521 and 707, and Local Bankruptcy Rule 1017-2(a). This motion is filed under Bankruptcy rule 9013 and Local Rule 9013-2. Movant requests relief with respect to the dismissal for the bankruptcy proceeding filed by the above-named debtor(s).

5. I was appointed Interim Trustee on 04/16/04, in the bankruptcy case and I remain in that capacity as of this date.

6. I appeared to examine the Debtor(s) on 05/20/04, the date first set for the

Section 341(a) Meeting of Creditors, at which time the debtor(s) did not appear. The 341 Meeting of Creditors was rescheduled for 06/03/04, the debtor(s) did not appear. The 341 Meeting of Creditors was rescheduled for 07/01/04, the debtor(s) did not appear.

7. As a result of the failure of the Debtor(s) to appear, I have been unable to examine the Debtor(s) as to his/her assets and liabilities and have been unable to file appropriate reports and administer any possible assets.

WHEREFORE, Terri A. Georgen, Trustee, moves the Court for an order dismissing the Chapter 7 proceeding in the above matter.

Dated: July 8, 2004

/e/ Terri A. Georgen
Terri A. Georgen, Trustee

VERIFICATION: I, Terri A. Georgen, the movant named in the foregoing notice of hearing and motion declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Dated: July 8, 2004

/e/ Terri A. Georgen
Terri A. Georgen, Trustee

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**NOTICE OF HEARING AND MOTION
FOR DISMISSAL OF BANKRUPTCY PROCEEDING**

TO: ENTITIES ENTITLED TO NOTICE PURUSANT TO LOCAL RULE 9013-3.

A motion has been filed by Terri A. Georgen, Trustee, to dismiss the above-captioned case for failure to appear at the meeting of creditors.

2. On **September 1, 2004**, in Courtroom No. 228A, United States Bankruptcy Court, at 316 N. Robert Street, St. Paul, Minnesota, the Court will hold a hearing to determine whether this case should be dismissed.

The hearing may be continued by notice at the hearing without further written notice. Any responsive papers shall be delivered and filed not later than August 25, 2004, which is seven days, (**including** intermediate Saturdays, Sundays, and legal holidays), before the hearing date, or mailed and filed not later than August 20, 2004, which is 10 days (**including** intermediate Saturdays, Sundays, and legal holidays), before the hearing date, Local Bankruptcy Rule 9006-1(b). **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

Dated: _____

CLERK OF BANKRUPTCY COURT

By _____
Deputy Clerk

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

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CHAPTER 7
BKY CASE NO. 04-32307

DEBTOR(S).

ORDER

At St. Paul, Minnesota on _____, 2004

This Chapter 7 case came before the Court for Hearing on the Trustee's motion to dismiss this case for failure of the Debtor(s) to appear at the Section 341 Meeting of Creditors. Based on the record before the court,

IT IS HEREBY ORDERED:

That this case is dismissed, pursuant to 11 U.S.C. § 707(a)(1)

HONORABLE DENNIS D. O'BRIEN
UNITED STATES BANKRUPTCY JUDGE